

REMARKS

The Examiner in charge of the above-identified application, Mr. Dennis Pedder, is thanked for the courtesies extended during the course of the personal interview conducted on September 14, 2004. During the course of this interview, the undersigned was given the opportunity to explain the differences between the present invention and the prior art. As reflected in the Examiner Interview Summary, this discussion referred to the method and apparatus providing for different roof section movement sequences depending upon the starting position of the roof sections at the time the operating element selector switch is moved to a desired roof condition. The following remarks refer to the amendments to the claims to more clearly define these features, and also addresses each of the points raised in the Office Action.

Responsive to the objection to the ADS (Application Data Sheet), submitted herewith is a corrected ADS reflecting the correct priority document number.

Responsive to the claim rejections under 35 U.S.C. § 112, Claims 1 and 17 have been canceled and replaced with new Claims 23 and 24 which clearly and particularly point out the distinctly claimed subject matter regarded as the invention.

The rejection of previously presented claims 1-3, and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over Schmaelzle et al. '520 in view of

Weissrich et al. '617, is hereby traversed and reconsideration thereof is respectfully requested. The following is a comparison of the present invention with each of these references, including a discussion of the claim language now included in the new independent Claims 23 and 24 as clearly patentably distinguishing over these references.

The present invention relates to an improved arrangement for a multi-part sliding roof for a motor vehicle. As pointed out in the background section of the application, the Schmaelzle et al. '520 Patent describes a multi-part sliding roof with movable roof sections which are controllable separately in order to implement different roof openings. The present invention is directed toward an improvement in the Schmaelzle et al. '520 type roof arrangement, especially with regard to the control of the movement of the respective movable roof sections between a starting position and a desired end position. The control unit 14 which controls the movement of the movable roof sections during opening and closing operations has all information available concerning the momentary positions of the individual roof sections at the time of a switching operation at the rotary switch 20. Starting from the "starting situation" and the now desired roof position, the control unit determines the respectively safest and fastest manner of controlling the individual driving motors. Examples of the different types of roof section movement sequences depending upon the starting position when the desired position is selected are described in the specification.

Each of the independent Claims 23 and 24 positively recite the above-discussed feature of controlling the movement of the roof sections from the starting roof opening condition to the selected predetermined roof opening condition with different sequential movements for different starting roof opening conditions. The claimed inventive method and apparatus is advantageous, as also discussed in the specification with respect to the safety of the vehicle occupants, the prevention of jamming in case of superimposed time sequence of the individual movable parts, and the provision of a logical sequence of movements of the individual roof sections. Particularly preferred embodiments also include a sun blind and a coordinated controlling of the sun blind in conjunction with the other movable roof parts.

Schmaelzle et al. '520 discloses a similar multi-part roof system as contemplated by the present invention, however it does not include teachings as to the novel control of the movement of the roof sections to be different depending upon the starting position.

The Weissrich et al. '617 Patent describes an operating element for a vehicle roof which can be opened in a motor driven manner by way of various intermediate stations. In this arrangement, there is no suggestion regarding the restrictive control of the different roof parts without the triggering of this control directly by way of the operating element. In other words, there is no control unit which monitors the starting position before the operating element is selected and

the consequent different roof section movement sequences being implemented depending upon the detected starting position.

Since neither Schmaelzle et al. '520 nor Weissrich et al. '617 include the novel distinguishing features of the controlling step and the control unit as discussed above, the combination of these references would likewise fail to meet the terms of the independent Claims 23 and 24. Accordingly, it is submitted that all of the claims clearly patentably distinguish over the teachings of these two references within the intentment of 35 U.S.C. §103.

The rejection of originally presented Claims 4 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Schmaelzle et al. '520 in view of Weissrich et al. '617, in further view of Odoi et al. '401 is hereby traversed and reconsideration thereof is respectfully requested. These claims depend from respective Claims 23 and 24 discussed above, which clearly distinguish over the combination of Schmaelzel et al. '520 and Weissrich et al. '617. Odoi et al. '401 suggests a sun blind, however this sun blind, even if combined with the hypothetical Schmaelzel et al. '520/Weissrich et al. '617 arrangement would still not teach or suggest the above discussed distinguishing controlling method and apparatus.

Likewise with respect to the rejection of original Claims 5-8, and 21 based upon Schmaelzle et al. '520, Weissrich et al. '617, and Henderson III et al. '025, even if modified by the Henderson et al. '025 vehicle speed function control in

order to reduce wind noise, one would still not have the novel control steps and unit recited in the present Claims 23 and 24.

Further, with respect to Claims 9-16 and 22 rejections on the same references in addition to Flaherty et al. '727, even assuming it would have been obvious to one of ordinary skill in the art to combine the teachings of these five different arrangements, one would still not have the distinguishing controlling and control unit features as discussed above.

With respect to the drawing objection, submitted herewith is a new formal drawing Figure 1 which includes the schematically depicted sun sensor SS, rain sensor RS, and vehicle speed sensor VSS.

Responsive to the objection to the specification as not providing antecedent basis for the claimed subject matter, see the amendments to the specification referring to the now schematically depicted sun sensor, rain sensor, and vehicle speed sensor.

In view of the interview discussions and the foregoing amendments and remarks, reconsideration and favorable action upon all the claims is submitted as in order and respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Serial No. 10/634,996
Reply to Office Action
dated June 15, 2004

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #02898752416US).

Respectfully submitted,

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Amendments to the Drawings:

Submitted herewith is a new formal Drawing Figure 1 which schematically depicts the sun sensor SS, the rain sensor RS, and the vehicle speed sensor VSS.